

REMARKS

The Invention

The invention provides a prefabricated house having two or more modules, each module having a frame, said frame having a plurality of studs. The module frames having one or more multiframe openings that may be converted to doors, windows, or other openings. Thus, the individual modules are structured to be joined at the multi-frame openings in more than one configuration. For example, if each module was rectangular and included a multi-frame opening at the middle point of each wall, the modules could be joined along adjacent longitudinal walls, thereby forming, generally, a square-shaped layout, or the modules could be joined with a longitudinal wall coupled to a lateral wall, thereby forming, generally, a T-shaped layout.

The multi-frame openings are disposed at set distances regardless of the shape of the module. Thus, modules of different shapes may be joined as the multi-frame openings will be spaced properly. Additionally, there may be more than one opening between modules. For example, two rectangular modules, each having a plurality of multi-frame openings along the longitudinal wall, may be joined by doors at each end of the joined longitudinal wall.

The multi-frame openings are created as part of the frame during the construction of the module. The multi-frame openings may then be covered, for example, by dry wall. During construction of the house, the covering is removed at each multi-frame opening where modules need to be joined. Alternatively, if the layout of the house is known, the multi-frame openings may be converted to the proper type of aperture, that is, doors, windows, and such, during construction of the module. However, if, during construction of the house, the customer desires a new window or door, a multi-frame opening may also be converted to an aperture at the construction site. Because each type of module is manufactured in an identical manner, regardless of where the apertures will be disposed, manufacturing costs are reduced. However, because each type of module includes a plurality of multi-frame openings, each module is still adaptable to the layout chosen by the customer.

Status of the Claims

Claims 1, 2, 4-11, and 13-19 are pending in the application.

Claims 3 and 12 are cancelled.

Claims 13-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1-2, 4, 9-11, and 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kump* (U.S. Patent No. 3,712,007) in view of *Donahue* (U.S. Patent No. 2,644,203).

Claims 5-6 and 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kump* (U.S. Patent No. 3,712,007) in view of *Donahue* (U.S. Patent No. 2,644,203) and further in view of *Derman* (U.S. Patent No. 2,070,924).

Claims 7-8, 16 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kump* (U.S. Patent No. 3,712,007) in view of *Donahue* (U.S. Patent No. 2,644,203) and further in view of *Prigmore et al.* (U.S. Patent No. 4,779,514).

Claims 13-15; Rejected under 35 U.S.C. § 112, second paragraph

Claims 13-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because they each depend from a claim that has been canceled. Claims 13 and 15 have been amended to depend from Claim 11. Accordingly, this rejection should be withdrawn. Entry of this amendment is further requested as it will reduce the number of claims on appeal should the Examiner maintain the other rejections set forth in the Final Office Action.

Claims 1-2, 4, 9-11, and 17-18; Rejected under 35 U.S.C. § 103(a)

Claims 1-2, 4, 9-11, and 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kump* (U.S. Patent No. 3,712,007) in view of *Donahue* (U.S. Patent No. 2,644,203). *Kump* discloses a modular housing system comprised of an external, structural frame assembly and a plurality of space modules that are supported by the structural frame assembly. The *Kump* disclosure was an attempt to overcome the “archaic” (Col. 1, line 19) building techniques of the 1970s. While history has shown that the “archaic” building techniques have hung on for nearly four decades after *Kump*,

this does not mean that *Kump*'s disclosure was not, and still is not, a radical departure from known construction techniques. As *Kump* is a radical departure, it follows that the structures disclosed in *Kump* are substantially dissimilar from structures created by other construction techniques, including those techniques still in use today. Thus, by comparing *Kump* to the present disclosure is, essentially, comparing apples to oranges.

It is noted that the *Kump* structural frame is designed to support the various modules as well as various other housing elements such as pipes and electrical conduits. *See* Col. 6, lines 18-21. The structural frame also supports the weight of the building and any lateral forces, *e.g.* wind load, applied thereto. *See*, Col. 5, lines 5-10. Thus, in this configuration, the modules are not structured to support the weight of the building, resist lateral loads, etc. Accordingly, each module must only support its own weight and the weight of any internal loads. Thus, *Kump* discloses that each module:

... is a hollow cube-shaped enclosure having rounded outer walls. The walls may be constructed of expanded material, such as polyethylene or polyurethane with a fiberglass interior and exterior skin. The **composite assembly has structural strength** and also provides thermal and sound insulation.

Col. 4, line 66 – Col. 5, line 3 (emphasis added). Thus, the “module frame,” as opposed to the “structural frame,” disclosed in *Kump* is the shell/walls that form the module. *Kump* further discloses that within the module frame there are a plurality of framed openings. The openings may be used as doors, windows, etc. and, as such, the frames for the openings may be generally identified as a door frame, window frame, etc. Opening frames do not support the module or provide any other type of structural support. The opening frames are used to protect the edges of the openings and act as cable trays and to interconnect the modules. Thus, *Kump* discloses three types of frames; (1) a structural frame, (2) a module frame, and (3) opening frames.

As set forth in the claims and the specification of the present application, the prefabricated house includes a plurality of modules each having a “frame.” Thus, as used in this application a “frame” means a “module frame” as recited in Claim 1, and amended Claims 2 and 11. Moreover, given the description of studs and cross-members, it would be clear to one skilled in the art that the module frame of the present application is a

traditional frame. That is, the module frame is that structure that supports the walls and any upper floors. Further, while not stated specifically in the present specification, it would be understood by those skilled in the art that the module frame is also the structure that resists lateral loads. It is further noted that a traditional frame may incorporate openings, such as door frames. *See e.g., Donahue* at Col. 5, lines 15-27. Thus, door frames are almost always part of the structural/house frame, but this does not mean that all door frames are “structural/house frames.”

Applicant notes that in secondary sources specific to the construction arts, a “frame” is defined as “Frame: A structural framing system consisting of members joined together with moment or rigid connections which maintain their original angular relationship under load without the need for bracing in its plane.” *The Handcock Joist, Joist And Structural Glossary* (Evidence Appendix, Exhibit A), and “The skeleton of a building; that is, the rough structure of a building, including interior and exterior walls, floor, roof, and ceilings.” *Contractor Glossary of Terms* (Evidence Appendix, Exhibit B). In general secondary sources, a “frame” is defined as “... a structure that surrounds or encloses a particular space, · a picture frame, · a door frame...” *Encarta* (Evidence Appendix, Exhibit C); and “a: the underlying constructional system or structure that gives shape or strength (as to a building) b: a frame dwelling ...” *Merriam-Webster Online Dictionary* (Evidence Appendix, Exhibit D); and “[a] structure that gives shape or support: the frame of a house.” *The American Heritage® Dictionary of the English Language: Fourth Edition*. 2000. (Evidence Appendix, Exhibit E). Thus, in the present application, the “module frame” is that system/structure that encloses the module or gives shape and support to the module. Conversely, in *Kump* that system/structure that encloses an “opening,” such as a door, would be described as a “door frame.”

Thus, of the various frames disclosed in *Kump*, the frames that serve a purpose similar to the module frame recited in the present claims are the structural frame and the module frame. The Examiner has, however, based the present rejection upon the door frame. As stated above, this is, essentially, comparing apples to oranges, and is improper. Accordingly, for this reason alone, *Kump* should be withdrawn as a relevant reference.

If *Kump* is not withdrawn as a reference, Applicant notes that of the various “frames” disclosed in *Kump* the most relevant “frame” is the structural frame. That is,

this is the frame disclosed in *Kump* that serves the same purpose as the frame disclosed in the present application. The *Kump* structural frame, however, consists of “posts” (vertical members) and beams (horizontal members). As with the rejection based upon *Dattner* (U.S. Patent No. 3,720,022) in the Office Action, dated June 24, 2008, which also disclosed posts and beams, the *Kump* structural frame does not include “studs” as recited in the present claims. Applicant incorporates by reference, the argument set forth in the September 17, 2008 Response to Office Action, detailing why a reference that discloses only “posts” and not “studs” is not relevant to the present claims.

The next most relevant frame of *Kump* is the modular frame. This is, ostensibly, relevant in that the module of the present application has similarities with the *Kump* module. That is, both modules define enclosed spaces that may be used as living space and may be otherwise occupied with people, furniture, etc. Of course, while the modules of *Kump* and the present application have a similar function, the modular frames are completely different. That is, as noted above, the present module frame is a traditional assembly of studs, cross-members, etc. while the *Kump* module is a unibody, composite structure having no studs, headers, etc. Accordingly, this *Kump* frame is also not relevant to the present application.

The final *Kump* frame is the opening frame cited by the Examiner. As set forth above, the opening frame does not provide any structural support and does not act as a frame for the “module.” As such, Applicant disagrees with the Examiner that *Kump* discloses a “module having a frame 42.” December 24, 2008 Final Office Action at 2. Applicant believes a more accurate description would be that *Kump* discloses a “module having a opening frame 42.” Such a disclosure could be relevant if the present application recited, “a module having a door frame,” but, as the frame recited in the present claims is the module frame, Applicant believes that *Kump* fails to disclose the elements as recited in the present claims.

Finally, with regard to *Kump*, it is noted that *Kump* states the module may be made by conventional methods of construction including framing members attached to inner and outer walls. As set forth in MPEP § 2121.01, however, “[t]he disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it

cannot be produced without undue experimentation.” *Id.*, citing *Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003). Here, *Kump* discloses that the overall structure includes an external structural frame. As one skilled in the art cannot combine a structural frame within the module with an external structural frame “without undue experimentation” is non-enabling with regard to such traditional framing methods. Alternately, if the module frame is not a structural frame, there would not be a need for traditional posts, studs, and beams. Thus, it is unclear how such a framing members would be attached to the inner and outer walls, the spacing of the frame members, etc. As such, *Kump* is non-enabling with regard to such traditional framing methods.

Donahue discloses a modular add-on bathroom for “a building, such as a rural residence, not previously having a bathroom.” Col. 1, lines 4-5. That is, the modular room is structured to be attached to a preexisting home and, more specifically, to a home having traditional construction. The modular portion defines a room having a floor, three complete walls, one partial wall, a ceiling/roof and various bathroom fixtures with connective hardware. The three complete walls define the outer walls of the modular addition. The partial wall consisted of an inner sheet disposed over a plurality of studs having a head plate and a shoe plate (top and bottom horizontal members) and may include intermediate horizontal brace members. Col. 5, lines 15-25. The partial wall included an opening and a door disposed therein and coupled to the partial wall. The side of the module with the partial wall was attached to the house. The outer walls include a frame having a plurality of studs with a header plate and a sole plate sandwiched between an inner panel and an outer panel. The outer panels could include a feature such as a window. Thus, *Donahue* discloses a modular unit having one predefined opening, the door, and possibly a predefined window. “Predefined” meaning having to be located in a single location within the panel.

Applicant disagrees with the Examiner that either *Kump* or *Donahue* discloses a structure having two, or more, modules wherein each module has a multiframe opening and wherein each multiframe opening incorporates two studs from the frame plurality of studs and having a plurality of medial cross-members. *Kump*, as noted above, does not disclose a module frame as that phrase is used in the present application and as would be

understood by those skilled in the art. Further, as *Kump* fails to disclose a module frame, it is impossible for *Kump* to disclose either “studs” and/or “a plurality of medial cross-members” between the studs. Thus, as *Kump* fails to disclose any “studs” and “a plurality of medial cross-members” between studs, it is impossible for *Kump* to disclose a “multiframe opening” as a “multiframe opening” is defined in this application.

Donahue, while disclosing studs, fails to disclose a “plurality of medial cross-members” disposed between two such studs. *Donahue* does disclose the occasional single horizontal member, “for example, brace members serving as a means to mount an outlet ...,” however, such a traditional use of a brace is not the same as a “multiframe opening” as defined in this application. Further, the *Donahue* device is structured to be coupled to a traditional house, *e.g.* a rural home not having a bathroom. As such, it is impossible for *Donahue* to disclose “two or more modules” as a traditional rural home is not a “module.”

As neither reference discloses a plurality of medial cross-members between studs, no combination of these references can teach or suggest the invention recited in Claim 1 of the present application. As such, Claim 1 and all claims depended therefrom should be allowable. Further, as discussed below, these two references cannot be combined as suggested without destroying the primary reference, *Kump*.

With regard to the determination of obviousness under 35 U.S.C. § 103, the Supreme Court has recently stated that:

Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, *it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does*. This is so because inventions in most, if not all, instances rely on building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.

KSR International Co. v. Teleflex Inc., ___ U.S. ___, ___, 2007 WL 1237837 (2007), (Slip Opinion at 14-15) (emphasis added). In addition, the Supreme Court also noted that:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community

or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, *this analysis should be made explicit*. See *In re Kahn*, 441 F.3d 977, 988 (Fed Cir. 2006) (“[R]jections on obviousness grounds cannot be sustained by mere conclusory statements; instead, *there must be some articulated reasoning with some rational underpinnings to support the legal conclusion of obviousness*”).

Id., at ____ (Slip Opinion at 14) (emphasis added). It is noted that the Supreme Court included an extended discussion reciting the nature of the inventions disclosed in the prior art and then several paragraphs identifying the rationale and reasons that the cited art could be combined and why one skilled in the art would make such a combination. *Id.*, at ____ (Slip Opinion at 3-6, 20-22).

It is further noted that the requirement for an “articulated reasoning” is not a minor point in *KSR Int’l* that an Examiner may simply ignore. It is noted that the requirement for an “articulated reasoning,” or a similar statement, is set forth in no less than three MPEP sections relating to obviousness rejections. See MPEP §§ 2141, 2142, and 2143. More specifically, MPEP § 2141 states, “Office personnel **must** therefore ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied. In certain circumstances, it may also be important to include **explicit findings** as to how a person of ordinary skill would have understood prior art teachings, or what a person of ordinary skill would have known or could have done. **Factual findings** made by Office personnel **are the necessary** underpinnings to establish obviousness ” (emphasis added). MPEP § 2142 notes that, “[t]he Federal Circuit has stated that ‘**rejections on obviousness cannot be sustained with mere conclusory statements**; instead, there must be some **articulated reasoning** with some rational underpinning to support the legal conclusion of obviousness.’ *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)” (emphasis added). MPEP § 2143 states, “The **key** to supporting any rejection under 35 U.S.C. 103 **is the clear articulation** of the reason(s) why the claimed invention would have been obvious” (emphasis added).

With regard to combining known elements of an invention, the Supreme Court further stated that, “[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *Id.*, at ___ (Slip Opinion at 14). This holding comports with *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) which held that, although some of the cited references, individually, may have some of the claimed inventions' features, "one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to depreciate the claimed invention." *Id.* at 1075. Instead, to reach the proper conclusion under §103:

The decision maker must step backward in time and into the shoes worn by [a person having ordinary skill in the art] when the invention was unknown and just before it was made. In light of *all* the evidence, the decision maker must then determine whether...the claimed invention as a whole would have been obvious at *that* time to *that* person.

Id. at 1073-74. (emphasis added).

The Examiner has not properly supported the rejection under 35 U.S.C. § 103(a) and under *KSR International*. In the Office Action, the Examiner has merely identified a list of elements recited in the present application and located various references wherein similar elements are disclosed. The Examiner has not “made explicit” the reason such references would, or could, be combined as suggested. That is on pages 2-3 of the December 24, 2008 Final Office Action, the Examiner recites a number of elements (allegedly, see above) disclosed in the two references. The Examiner then states, “In view of the above, it would have been obvious to include the modules including studs and incorporating studs from the plurality of studs in order to reinforce and strengthen the modules.” This single sentence is the only explanation for the proposed combination.

Applicant asserts that the single sentence is the exact type of conclusory sentence that *KSR International* and MPEP § 2142 state cannot, by itself, support a rejection under 35 U.S.C. § 103(a). By providing only a single sentence, the Examiner has failed to provide explicit findings (MPEP § 2141) and failed to provide the “key” support for a finding of obviousness (MPEP § 2143). Accordingly, this rejection is improper and the rejection of Claims 1, 2, and 17-18 under 35 U.S.C. § 103(a) should be withdrawn.

Moreover, in this instance the cited art actually teaches away from each other. See MPEP §§ 2141.02, 2143.01 (V), (VI) and 2146 (D)(2). As set forth in MPEP §§ 2141.02, a “prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).” Further, “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).” See, MPEP 2143.01(V). Finally, “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).” See, MPEP 2143.01(VI).

That is, with respect to the rule set forth in MPEP § 2143.01 (VI), the “principle of operation” for the *Kump* device is that the modules are constructed from a composite assembly of polyethylene or polyurethane with a fiberglass interior and exterior skin. Moreover, this composite shell is not structured to support the weight of the building, lateral loads, etc. Such loads are supported by the *Kump* structural frame. Thus, such a composite module is entirely inconsistent with the traditional frame construction of *Donahue*. That is, the purpose of the *Kump* module wall, *i.e.* module frame, is to provide a unibody frame without internal members providing structural support. The proposed combination would incorporate the studs of *Donahue* as well as a plurality of medial cross-members between studs (not disclosed by any cited art). Thus, looking at the whole of *Kump*, *i.e.*, a structural frame and a composite unibody module frame, Applicant believe that one skilled in the art would not attempt to combine these references as the underlying technology is too different. Moreover, given that *Kump* includes a structural frame that is independent of the modular frame, there would be no reason to include additional structural elements, as in the *Donahue* frame, as such elements would not add any structural benefit, but would add to the weight of the overall structure.

Further, the *Donahue* device is structured to be coupled to traditional housing, *e.g.* a house having a foundation. That is, a stated object of *Donahue* is to provide a “...

structure for attaching ... to an old building.” As the *Kump* structure is not an “old building” and incorporates many features, e.g. an external structural frame, not found in “old buildings,” it is impossible to combine these references without destroying the object of the *Donahue* reference. That is, *Donahue* when combined with *Kump* would be “unsatisfactory for its intended purpose.”

Accordingly, the proposed combination is not permitted and the rejection of Claims 1, 2, 4, 9-11, and 17-18 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 5-6 and 14-15; Rejected under 35 U.S.C. § 103(a)

Claims 5-6 and 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kump* (U.S. Patent No. 3,712,007) in view of *Donahue* (U.S. Patent No. 2,644,203) and further in view of *Derman* (U.S. Patent No. 2,070,924). The deficiencies of *Kump* and *Donahue*, and the reasons they cannot be combined, are noted above. *Derman* discloses a wardrobe or cabinet. There are at least three problems with the use of *Derman* as prior art: (1) *Derman* is non-analogous art; (2) the *Derman* reference fails to disclose the elements cited by the Examiner; and (3) the rejection is not properly supported.

With regard to the first point, Applicant refers to MPEP §2141.01 which cites *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In *Oetiker*, the Applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly “hook” which maintained the preassembly condition of the clamp and disengaged automatically when the clamp was tightened. The Board relied upon a reference which disclosed a hook-and-eye fastener for use in garments, reasoning that all hooking problems are analogous. The court held the reference was not within the field of Applicant’s endeavor and was not reasonably pertinent to the particular problem with which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments.

With regard to point (1), this application relates to prefabricated houses. *Derman* discloses a wardrobe or cabinet. Just as a garment hook is not related to a hose clamp, a wardrobe is not related to a prefabricated house. That is, the Examiner has not

demonstrated why one skilled in the art of building prefabricated houses would turn to a reference disclosing a wardrobe to create an improved modular home. As such, the *Derman* reference is non-analogous art.

With regard to the second point, the Examiner states that *Derman* discloses “a cuboid volume with cross members 35/27 and studs 22/19.” December 24, 2008 Final Office Action at pg. 5. *Derman* discloses a wardrobe or cabinet. As set forth above, to those skilled in the art, a “stud” is a wall frame element typically spaced about 16 inches or 24 inches apart and below a covering. *Derman* does not disclose any type of wall frame elements including “studs.”

With regard to the third point, the entire rejection of Claims 5-6 is set forth in four sentences. Sentence one recites that *Kump* fails to disclose cross members removably coupled to studs; sentences two and three note that *Derman* discloses cross members removably coupled to studs (a point the Applicant does not accept, see above); and finally sentence four reads, “It would have been obvious to one of ordinary skill in the art to removably couple the studs to the cross members to allow for a greater degree in variation of size of the opening for the modules modules (*sic*) as shown by *Derman*.” The final sentence is the only explanation for the proposed combination.

Applicant asserts that the single sentence is the exact type of conclusory sentence that *KSR International* and MPEP § 2142 state cannot, by itself, support a rejection under 35 U.S.C. § 103(a). By providing only a single sentence, the Examiner has failed to provide explicit findings (MPEP § 2141) and failed to provide the “key” support for a finding of obviousness (MPEP § 2143).

Accordingly, this rejection is improper and the rejection of Claims 5-6 and 14-15 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 7-8, 16 and 19; Rejected under 35 U.S.C. § 103(a)

Claims 7-8, 16 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kump* (U.S. Patent No. 3,712,007) in view of *Donahue* (U.S. Patent No. 2,644,203) and further in view of *Prigmore et al.* (U.S. Patent No. 4,779,514). The deficiencies of *Kump* and *Donahue*, and the reasons they cannot be combined, are noted above. *Prigmore* discloses a building constructed of pre-made panels that are coupled together

by hinges. There are at least two problems with the use of *Kump* in view of *Prigmore* as combined prior art: (1) *Prigmore* fails to disclose the elements cited by the Examiner; and (2) the rejection is not properly supported.

Each side panel of *Prigmore* is disclosed as being pivotally coupled to the roof structure by a hinge element and coupled to a floor element by a plurality of latches. Such a configuration allows the structure to be moved in a collapsed form. The Examiner states that *Prigmore* discloses both “passive space” and “fixed space.” Applicant disagrees. These phrases are defined phrases in the present application. See generally, page 8, lines 19-31. That is, the specification states:

Fixed space is rigid and does not include foldable panels 18. Fixed space is typically any space that has functionality beyond providing volume. For example, the following would qualify as fixed space: closets, bathrooms, kitchens, storages, laundry rooms or house mechanical space, as well as corridors and stairs. Conversely, passive space is compressible space, *i.e.*, that which may be folded. Typically, the passive space is not laden with fixtures, etc.

Id.

With regard to the first point noted above, the “fixed space” of *Prigmore* identified by the Examiner is an empty roof area. That is, *Prigmore* does not disclose a “functionality beyond providing volume.” Thus, although not shown as being collapsible in *Prigmore*, such a space is still a “space ... which may be folded.” Any generally empty space, such as a hollow roof, could be folded; the mere fact that *Prigmore* fails to disclose such a collapsible structure does not change that nature of the space. Additionally, the present application states that the “core modules” have both fixed and passive space. A “core module” is an “indoor room” (page 8, line 13) and not an “outdoor structure” (page 8, lines 17-18). A roof, such as the *Prigmore* roof, is not an “indoor room” and is an “outdoor structure.”

With regard to the second point noted above, the Examiner has, again, merely recited a list of elements the Examiner contends are disclosed by the references, then states that because the elements were known individually, it would be obvious to combine them. Applicant asserts that the single conclusory sentence is the exact type of sentence that *KSR International* and MPEP § 2142 state cannot, by itself, support a rejection under 35 U.S.C. § 103(a). By providing only a single sentence, the Examiner

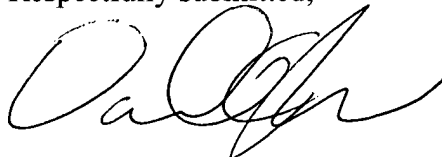
has failed to provide explicit findings (MPEP § 2141) and failed to provide the “key” support for a finding of obviousness (MPEP § 2143).

Accordingly, this rejection is improper and the rejection of Claims 7-8, 16, and 19 under 35 U.S.C. § 103(a) should be withdrawn.

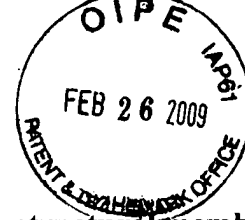
CONCLUSION

In view of the remarks above, Applicants respectfully submit that the application is in proper form for issuance of a Notice of Allowance and such action is requested at an early date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. C. Jenkins', written in a cursive style.

David C. Jenkins
Registration No. 42,691
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-1253
Attorney for Applicants



Footing

A concrete pad or mat located under a column, wall, or other structural member that distributes loads from that member into the supporting soil.

Foundation

The substructure which supports a building or other structure.

Frame

A structural framing system consisting of members joined together with moment or rigid connections which maintain their original angular relationship under load without the need for bracing in its plane. See Rigid Frame.

Framed Opening

Headers or other structural members which surround an opening in a roof which can be for mechanical units, straiwells, etc.

Framing Plan

Floor or roof plans that identify individual marks, components, and accessories furnished by the joist manufactures in a detailed mannner to permit proper erection of the joist and joist girders. See Erection Plan and Placing Plan.

Free-Body Diagram

A diagram on which all of the external forces acting on a body are shown at their respective points of application.

Frequency

A measure of floor vibration. It is the speed of the oscillations of vibration and is expressed in cycles per secong or Hz (Hertz).

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[G]

G-Type Joist Girder

A type of Joist Girder where joists are located at panel points where diagonal webs intersect the top chord only.

Contractor Glossary of Terms

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<u>Term</u>	<u>Definition</u>
Foyer.	An anteroom, lobby, entrance hallway, or vestibule.
FPL.	Forest Products Laboratory.
Fraction.	1. A numerical quantity that is not a whole number, as in 1/2 or 0.5; a number expressed as one number divided by another, as in 2/3 or 4/5; the upper number is the numerator and the bottom number is the denominator. 2. A portion of a mixture separated by distillation.
Fracture.	1. A break, usually resulting in actual separation of the material; in structures, the characteristic result of tension failure. 2. See Crack, 1.
Fracture.	see Crack.
Frame High.	To construct the brickwork up to the top of the door or window frame; the lintel is then laid across the opening and rests upon the brickwork on each side of the frame.
Frame, Balloon.	see Balloon Frame.
Frame, Braced.	see Braced Frame.
Frame, Door.	see Door Frame.
Frame, Ductile Moment Resisting Space.	see Ductile Moment Resisting Space Frame.
Frame, Moment Resisting.	see Moment Resisting Frame.
Frame, Platform.	see Platform Frame.

EXHIBIT B

Frame.	1. An enclosing border as in a picture frame. 2. The surrounding or enclosing woodwork, as around windows or doors. 3. The skeleton of a building; that is, the rough structure of a building, including interior and exterior walls, floor, roof, and ceilings. 4. To form together or construct large assemblies from smaller components. 5. A structural system consisting of relatively long, prismatic members fastened together; a rigid frame is one in which the joints can transmit moments as well as forces and which therefore does not require a braced frame for rigidity.
Framed Connection.	1. One that is capable of resisting moments. 2. A shear connection between steel members made by means of steel angles or plates connecting to the web of the beam or girder.
Framer.	1. A carpenter who constructs wood framing. 2. A carpentry contractor. 3. One who frames pictures and makes their frames.
Frames.	Racks at the back of a Jacquard loom, each holding a different color of pile yarn; in Wilton carpets, 2 to 6 frames may be used and the number is a measure of quality as well as an indication of the number of colors in the pattern, unless some of the yarns are buried in the backing.
Framing Lumber.	Wood members of framing systems which are manufactured by sawing, resawing, passing lengthwise through standard planing machine, crosscutting to length, and matching, but without further manufacturing.
Framing Member.	The stud, plate, joist, or furring component to which the exterior and interior surfacing materials are attached; normally made of wood or metal.
Framing, Ceiling.	see Ceiling Framing.
Framing, Door.	see Door Framing.
Framing, Roof.	see Roof Framing.
Framing, Timber.	see Timber Framing.
Framing, Wall.	see Wall Framing.
Framing.	The rough wooden structural skeleton of a building, including interior and exterior walls, floor, roof, and ceilings.
Franchise Tax Board.	In California, a department of state government that collects taxes from individuals and businesses.
Fraud.	A false statement of fact that is designed to deceive.
Free and Clear.	Real property that has no liens or encumbrances.
Free Body Diagram.	A diagram, or drawing, in which one element of structure is isolated from its surroundings, and the effect of its surroundings is shown only as forces; see Vector, 1.
Free Form.	A floor area, usually in a department store or salon, not bounded by walls and of nonrectangular shape; sometimes called Form-Fit Area.

Free Water.

All water contained by gypsum board, concrete, mortar, or plaster in excess of that chemically held as water of crystallization;

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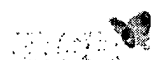
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frame [fraym]

noun (*plural frames*)

Definition:

1. supporting structure: an underlying or supporting structure that consists of solid parts such as beams or struts with spaces between them and has something built around or on top of it

- a bike with a steel frame

2. surrounding structure: a structure that surrounds or encloses a particular space

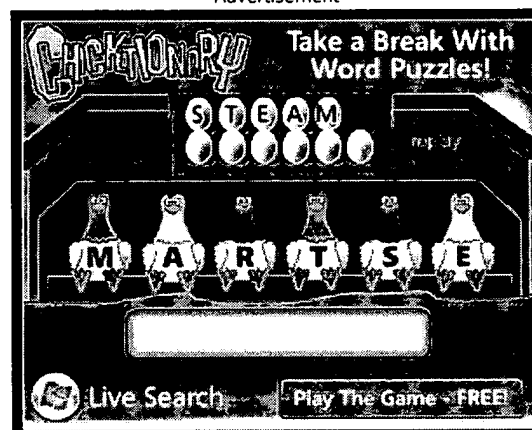
- a picture frame
- a door frame

3. OPHTHALMOLOGY lens-holding part of eyeglasses: the part of a pair of eyeglasses that holds the lenses and fits around the wearer's face

4. hollow shape for needlecraft and painting: an open structure across which a piece of material can be stretched to be painted or embroidered, or across which threads can be stretched for weaving

5. context: the general background or

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EXHIBIT C

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Dictionary

context against or within which something takes place

- *the story's historical frame*

6. human body: somebody's body, especially with reference to its size and shape

- *He eased his enormous frame into the chair.*

7. MOVIES PHOTOG picture on strip of film: one of the individual pictures that make up a strip of movie film, or a single exposure on a strip of photographic negative or slide images

8. MOVIES TV visible part of filmed action: in film, video, or TV, the particular area of action that is captured by the camera and forms the rectangular image that appears on the screen

- *characters moving out of the frame to the left*

9. PHOTOG image border: the border or set of borders of a projected image

10. PUBLISHING single picture in comic strip: one of the individual pictures that make up a comic strip

11. GARDENING

Same as cold frame

12. LAWN BOWLING round of bowling: one of the ten rounds in a bowling game

13. U.K. CUE GAMES

Same as rack¹n (sense 7) (sense 8) (sense 9)

14. ONLINE area of computer screen: a rectangular area on a computer screen, containing all or a portion of a webpage. More than one frame can be displayed concurrently.

15. COMPUT single cycle of pulses: a single cycle of pulses in a string of repeated pulses

16. COMPUT data packet: a variable-length data packet preceded and followed by addressing and control information that is transmitted between network points as a unit. Some control frames contain no data.

17. CRIME (slang)



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Same as **frame-up** (sense 1)

plural noun **frames**

Definition:

1. OPHTHALMOLOGY

Same as **frame** (sense 3)

2. **ONLINE web browser feature:** a web browser feature that segments the window being displayed, allowing the concurrent display of two or more pages on the same screen

transitive verb (*past and past participle* framed, *present participle* framing, *3rd person present singular* frames)

Definition:

1. **put something in frame:** to mount a picture in a frame

2. **form surrounding framework for something:** to form a surrounding border or framework, especially a decorative or contrasting one, around something (*often passive*)

- *a delicate face framed by abundant black hair*

3. **construct idea or statement:** to construct or compose something that is to be written or spoken

- *She framed her words carefully.*

4. **express something in particular way:** to express something in a particular type of language

- *framed the argument in legal terms*

5. **mouth words:** to mouth words silently

6. **cause somebody to appear guilty:** to make an innocent person appear guilty, e.g. by forging incriminating evidence (*slang*)

7. **arrange result of something in advance:** to use dishonest or illegal methods to arrange the result of a contest in advance, e.g. by paying a player to lose deliberately (*slang*)

adjective

Definition:

CONSTRUCTION ARCHITECTURE **with wooden framework:** constructed on a framework of wooden beams, then covered with boards or shingles

- *a white frame house with black shutters*

[Old English *framian* "make progress, be helpful, prepare, shape" < *fram* (see from)]


- **frame·a·ble** *adjective*

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frame

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1 frame (verb)

2 frame (noun)

3 frame (adjective)

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Main Entry: *frame
Function: *noun*
Date: 14th century

1 a : something composed of parts fitted together and united **b** : the physical makeup of an animal and especially a human body : **PHYSIQUE** , **FIGURE**
2 a : the underlying constructional system or structure that gives shape or strength (as to a building) **b** : a frame dwelling
3 obsolete : the act or manner of framing
4 a : a machine built upon or within a **framework** <a spinning *frame*> **b** : an open case or structure made for admitting, enclosing, or supporting something <a window *frame*> **c** (1) : a part of a pair of glasses that holds one of the lenses (2) *plural* : that part of a pair of glasses other than the lenses **d** : a structural unit in an automobile chassis supported on the axles and supporting the rest of the chassis and the body
5 a : an enclosing border **b** : the matter or area enclosed in such a border: as (1) : one of the squares in which scores for each round are recorded (as in bowling) ; *also* : a round in bowling (2) : an individual drawing in a comic strip usually enclosed by a bordering line (3) : one picture of the series on a length of film (4) : a complete image for display (as on a television set) **c** : an inning in baseball **d** (1) : **FRAMEWORK** 1a (2) : **CONTEXT** , **FRAME OF REFERENCE** **e** : an event that forms the background for the action of a novel or play
6 : FRAME-UP
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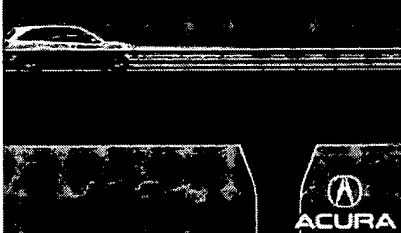
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frame

PRONUNCIATION:  frām

VERB: Inflected forms: **framed, fram-ing, frames**

TRANSITIVE VERB: 1. To build by putting together the structural parts of; construct: *frame a house*. 2. To conceive or design: *framed an alternate proposal*. 3. To arrange or adjust for a purpose: *The question was framed to draw only one answer*. 4a. To put into words; formulate: *frame a reply*. b. To form (words) silently with the lips. 5. To enclose in or as if in a frame: *frame a painting*. 6. *Informal* a. To make up evidence or contrive events so as to incriminate (a person) falsely. b. To prearrange (a contest) so as to ensure a desired fraudulent outcome; fix: *frame a prizefight*.

INTRANSITIVE VERB: 1. *Archaic* To go; proceed. 2. *Obsolete* To manage; contrive.

NOUN: 1. Something composed of parts fitted and joined together. 2. A structure that gives shape or support: *the frame of a house*. 3a. An open structure or rim for encasing, holding, or bordering: *a window frame; the frame of a mirror*. b. A closed, often rectangular border of drawn or printed lines. 4. A pair of eyeglasses, excluding the lenses. Often used in the plural: *had new lenses fitted into an old pair of frames*. 5. The structure of a human or animal body; physique: *a worker's sturdy frame*. 6. A cold frame. 7. A general structure or system: *the frame of government*. 8. A general state or condition: *The news put me into a better frame of mind*. 9. A frame of reference. 10. *Sports & Games* a. A round or period of play in some games, such as bowling and billiards. b. *Baseball* An inning. 11. A single picture on a roll of movie film or videotape. 12. The total area of a complete picture in television broadcasting. 13. An individual drawing within a comic strip. 14. *Computer Science* a. A feature that divides a browser's window into separate segments that can be scrolled independently of each other. b. A single step in a sequence of programmed instructions. 15. *Informal* A frame-up. 16. *Obsolete* Shape; form.

ETYMOLOGY: Middle English *framen*, from Old English *framian*, to further, from *fram*, forward. See [from](#).

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